

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JAMEY JACKSON,

Plaintiff,

v.

Case No. 18-CV-446-JPS

DENNIS DEVALKENAERE, CARLOS
RUTHERFORD, KEVIN KLEMSTINE,
JAMES HUTCHINSON, SCOTT
SCHMITZ, ERIK GULBRANDSON, and
PATRICK PAJOT,

Defendants.

ORDER

Plaintiff, a prisoner, filed a *pro se* complaint claiming his civil rights were violated when he was not afforded counsel during a post-indictment lineup performed by officers of the Milwaukee Police Department. (Docket #12). The Court allowed Plaintiff to proceed on an alleged violation of his Sixth Amendment right to counsel, but it temporarily stayed these proceedings while Plaintiff's appeal in his underlying state criminal case proceeded to conclusion. *Id.* at 10–11. Plaintiff now reports that the appeal is finally disposed of, as the Wisconsin Supreme Court has denied his petition for discretionary review of the Wisconsin Court of Appeals' order affirming his conviction and sentence. (Docket #15). For that reason, the Court will reopen this matter and order that service be made upon Defendants so that this action can proceed toward its own appropriate resolution.

Accordingly,

IT IS ORDERED that Plaintiff's motion to reopen case (Docket #15) be and the same is hereby **GRANTED**;

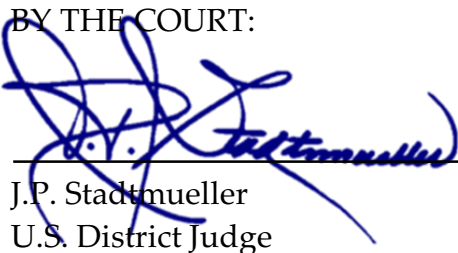
IT IS FURTHER ORDERED that the Clerk of the Court shall administratively reopen this matter and that the stay in this matter be and the same is hereby **LIFTED**;

IT IS FURTHER ORDERED that the United States Marshal shall serve a copy of the complaint, the Court's screening order, and this Order upon Defendants pursuant to Federal Rule of Civil Procedure 4. Plaintiff is advised that Congress requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. § 1921(a). Although Congress requires the Court to order service by the U.S. Marshals Service, it has not made any provision for these fees to be waived either by the court or by the U.S. Marshals Service. The current fee for waiver-of-service packages is \$8.00 per item mailed. The full fee schedule is provided at 28 C.F.R. §§ 0.114(a)(2), (a)(3). The U.S. Marshals will give Plaintiff information on how to remit payment. The Court is not involved in collection of the fee; and

IT IS FURTHER ORDERED that Defendants shall file a responsive pleading to the complaint.

Dated at Milwaukee, Wisconsin, this 5th day of July, 2018.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge